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Regulations under the Mexican Border Act, approved January 31, 1942.
Effective September 8, 1942.

TITLE 7—AGRICULTURE

CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

PART 320—THE MEXICAN BORDER REGULATIONS

INTRODUCTORY NOTE

Authority to inspect and apply safeguards to railway cars, vehicles, and various materials entering this country from Mexico has been granted by Congress on an annual basis since 1917 and regulations covering these activities have likewise been in force since that date. With the enactment of the Mexican Border Act, approved January 31, 1942, it has become necessary to revise the existing regulations so as to bring them under the authority of the new act, and into accord with its terms. The revision thus accomplished follows closely in scope and procedure the previous regulations, care being taken to avoid encroachment on the field covered by the Plant Quarantine Act.

ORDER OF THE SECRETARY OF AGRICULTURE

By virtue of the authority vested in the Secretary of Agriculture by the act, approved January 31, 1942, entitled, "To provide for regulating, inspecting, cleaning, and, when necessary, disinfecting railway cars, other vehicles, and other materials entering the United States from Mexico" (Public Law 426, 77th Congress), I, Grover B. Hill, Acting Secretary of Agriculture, do prescribe and promulgate the following regulations to be in force and effect on September 8, 1942.

THE MEXICAN BORDER REGULATIONS

AUTHORITY: §§ 320.1 to 320.9, inclusive, issued under the act approved January 31, 1942, entitled, "To provide for regulating, inspecting, cleaning, and, when necessary, disinfecting railway cars, other vehicles, and other materials entering the Unitad States from Mexico," (Public Law 426, 77th Congress).

§ 320.1 *Administration.*—The Chief of the Bureau of Entomology and Plant Quarantine is charged with the administration of the provisions of this Act and the regulations in this part concurrently with the Plant Quarantine Act and the quarantines and orders issued thereunder.

§ 320.2 *Regulated vehicles, articles, and materials.*[1]—To carry out the purpose of the aforesaid Act to prevent the introduction of insect pests and plant diseases these regulations shall apply to railway cars, boats crossing the Rio Grande, aircraft, drawn or self-propelled vehicles (such as wagons, carts, trucks, automobiles), freight, baggage, containers, and articles or materials which may be contaminated with insect pests or plant diseases. These regulations, however, shall not apply to railway cars, other vehicles, and other materials originating in and moving directly from the Northern Territory of Baja California, Mexico.

§ 320.3 *Definitions.*—For the purpose of these regulations the following words, names, and terms shall be construed, respectively, to mean:

(*a*) *Inspector.*—An inspector of the Bureau of Entomology and Plant Quarantine, United States Department of Agriculture.

(*b*) *Owner or agent.*—As used in these regulations this term shall include both singular and plural and shall denote the person, agent, firm, company, or official, having responsible custody of railway cars, vehicles, or other materials subject to these regulations.

(*c*) *Disinfection.*—Disinfection as used in these regulations includes any treatment or process designed to destroy insect pests or plant disease organisms.

[1] The entry of certain plants and plant products is regulated or prohibited by quarantines and regulations promulgated under the Plant Quarantine Act as amended.

(*d*) *Railway cars.*—As used in these regulations shall include all types of cars commonly employed in the transportation of freight, such as box, flat, tank, refrigerator, gondola, stock, etc.

(*e*) *Cleaning.*—Cleaning as used in these regulations shall mean the removal, to the satisfaction of the inspector, of matter, other than the cargo and articles being moved, which may carry insect pests or plant diseases from railway cars, other vehicles, freight, express, baggage, and other materials.

(*f*) *Other vehicles.*—As used in these regulations the term "other vehicles" includes means of conveyance other than railway cars, such as aircraft, boats, automobiles, trailers, trucks, wagons, and carts, etc.

(*g*) *Other materials.*—As used in these regulations the term "other materials" shall include all commodities, articles, and materials which may be the means of introducing insect pests or plant diseases into the United States.

§ 320.4 *Inspection.*—As a condition of entry into the United States from Mexico all articles and materials under these regulations (§ 320.2) shall be subject to examination by an inspector for the purpose of determining whether they may enter the United States without risk of introducing insect pests and plant diseases.

§ 320.5 *Railway cars.*—When the inspector has determined by examination that railway cars may enter the United States without risk of introducing insect pests and plant diseases into the United States, he shall, insofar as these regulations may govern, permit their entry. If the examination discloses that any car is contaminated and would involve risk of introducing insect pests or plant diseases into the United States, he shall prescribe, as condition of entry, cleaning, transfer of cargo, or disinfection, or all three. When cleaning alone has been prescribed and done to the satisfaction of the inspector he shall permit the entry of the cleaned cars, insofar as these regulations may govern entry. When disinfection is prescribed the entry of the cars shall be conditioned on their being fumigated, under the supervision of the inspector, either in a government-owned fumigation house or otherwise in a place and by methods prescribed by the inspector. Immediately upon entry of railway cars for fumigation they shall be moved by the owner or agent having charge of same directly to the government-owned fumigation plant, or "spotted" at an approved place and before placing the cars in the fumigation chambers or "spotting" them for fumigating the railroad company servicing the cars shall cause the car doors to be opened and subsequent to fumigation it shall be the responsibility of the railroad company to remove the cars from the fumigation plant or place where they have been "spotted" and to close the car doors when the occasion requires. When the prescribed fumigation has been accomplished in manner required by the Chief of the Bureau of Entomology and Plant Quarantine, the inspector shall permit entry into the United States insofar as these regulations may govern. The inspector may authorize temporary entry of railway cars under conditions to be prescribed by him for unloading or loading in railroad yards at the port of entry or for in-transit movement from and to Mexico.

§ 320.6 *Vehicles, articles, and materials, other than railway cars and unregulated boats.*—When the inspector has determined by examination that vehicles, other than railway cars and unregulated boats, or any of the various articles and materials covered by these regulations may enter the United States without risk of introducing insect pests or plant diseases, he shall permit their entry insofar as these regulations may govern. If the examination by the inspector discloses such regulated vehicles, articles, or materials are contaminated and would involve risk of introducing insect pests or plant diseases into the United States, he shall prescribe, as a condition of entry, cleaning, transfer of cargo, or disinfection, or any or all of these. The cleaning, transfer of cargo and disinfection shall be carried out under his supervision and to his satisfaction and until it has been so accomplished, entry into the United States shall be refused.

§ 320.7 *Responsibility for opening and cleaning.*—The owner or agent in charge of railway cars, other vehicles, and freight, express, baggage, articles, or other materials shall open these for inspection as required by the inspector and provide reasonable access to every part thereof, and when cleaning is prescribed by the inspector as a condition of entry, shall so open, and clean, and do any and all things reasonably pertaining thereto as required by the inspector. All costs incident to entry, opening, and cleaning, except for the services of the inspector, shall be paid by the owner or agent in charge.

§ 320.8 *Responsibility for disinfection.*—When disinfection involves fumigation the inspector will apply the fumigant whether in the houses erected for the purpose or in the cars themselves. If, in the judgment of the inspector, fumigation will not provide adequate safeguards against the introduction of

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insect pests and plant diseases, he may prescribe another type of disinfection which shall be applied by the owner or agent under the supervision of the inspector. Costs incident to such disinfection, other than the services of the inspector, shall be borne by the owner or his agent, or paid for as prescribed elsewhere in these regulations.

§ 320.9 *Fees for disinfection in government-owned facilities.*—Prior to entry of railway cars or other vehicles requiring fumigation in government-owned facilities as a condition of entry, the owner or agent in charge shall buy fumigation coupons from the inspector in charge at the port of entry. The price fixed for these coupons shall represent as nearly as may be, the average cost of materials, facilities, and special labor used by the Bureau of Entomology and Plant Quarantine in performing such fumigation. On the basis of the average cost for such fumigation over a period of years the inspector in charge shall, until further notice, collect a fee of $4.00 for each coupon sold. Payments for coupons, if practicable, shall be in the form of postal money orders, or bank drafts or certified checks drawn on United States banks, drawn to the credit of the Treasurer of the United States. Payments in United States currency will be accepted if tendered. All fees so collected by the inspector shall be promptly turned into the Treasury of the United States as miscellaneous receipts in accordance with the practices approved by the Secretary of Agriculture.

These regulations shall supersede the Rules and Regulations Prohibiting the Movement of Cotton and Cottonseed from Mexico into the United States and Governing the Entry into the United States of Railway Cars and Other Vehicles, Freight, Express, Baggage, or Other Materials from Mexico at Border Points, effective July 1, 1917, as amended January 29, 1920 (7 CFR §§ 320.1 to 320.6; 39 Stat. 1164) and may be referred to as "The Mexican Border Regulations."

Done at the city of Washington this 3d day of September 1942.

Witness my hand and the seal of the United States Department of Agriculture.

Grover B. Hill

Acting Secretary of Agriculture.

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